

U. S. Commissioners to George Graham, July 8, 1817, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

U. S. COMMISSIONERS TO SECRETARY GRAHAM.¹

¹ War Dept. files. Also in Jackson MSS. Correspondence in reference to this treaty is in *Am. St. Papers, Indian Affairs*, II. 140–147.

Cherokee Agency, July 8, 1817.

Sir. We have this moment concluded a treaty with the cherokees East of the mississippi, and with the chiefs and Deputation from the cherokees from the Arkansaw, upon the broad basis of Justice to all, founded on the application made by the deputation from the upper and lower towns of the cherokee nation in the autum of 1808 to the P. of the u states and his promise made to them on the 9th day of January 1809.²

² Jefferson, *Works* (Memorial ed.), XVI. 455–460.

In effecting this treaty, we have overcome every dificulty, that the intrigue of base and designing white men could throw in our way, who profess much friendship to the Indians; and half breeds, who by intrigue and corruption have got into the council of this nation and have turned out the old chiefs. These aided by some whitemen, who profess much friendship for this nation, and who, have been fattening on the pay of the Indian for his military services, agrandizing themselves from the annuities, and hard earnings of the poor, and who if they could now obtain large reservations and iron works, would sell the whole nation or make hewers of wood and drawers of water for them. Had the nation been left to the council of its old chiefs, we would have had but little trouble to have explained

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to them, their real interests, and on what their happiness and their national existance depended.

There cannot be (except in England) as corrupt and Despotic goverment as now exists in this nation. They are ruled by a committee of thirteen members, the greater part young quarterroon whitemen, all under the influence and direction of Colo. G. Morgan, who was opposed to our views and that of the Goverment—he has lately taken to wife a native of this nation, and he declares, he does not wish to live under the laws of our country, that he prefers cherokee Goverment.

At the commencement of the conferrence Tuchelee, a virtuous and independant man, first chief of this nation, was a member of this council of 13, on the 28th day of June was our first meeting in conferrence of the whole nation, Tuchelee, was one of the deputation from the lower Towns, who went on in the fall 1808. McIntosh and Major John Walker was two of the Deputation who went on from the upper towns in the same year and in company with Tuchelee, accompanied with Colo. Meiggs. McIntosh and Walker being called on in council, denied that they went on in that year for any other purpose but to see their father the President before he went out of office, that they had no powers from their Towns, that they beleived such talks was made, to the President, but not by their consent. When you compare this with the statement of Colo. Meiggs, on the Journal to which we refer you, you will discover how variant it is with this statement. We called on Tuchelee who before the whole council, declared he went on with full powers from the lower Towns to ask for what he did—the talk he said was made to the President his father, and the answer read, was the answer received from his father the P. of the u, states. for this independant declaration of truth, he was broke and turned out of the council, and a young half breed Richard Ruly put into his place. McIntosh and walker who had told a falshood, and so declared by Colo. Meiggs in open council was retained.

When we first addressed the chiefs and warriors in full council, we placed a copy of the adress into the hands of Charles Hicks a chief of this nation and formerly linguister and

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another in the hands of mr wilson a native and Clerk to the committee of thirteen, with a request in presence of the assemblage, that they would collect the chiefs and warriors in small parties, and read and explain it to them, then assemble them in council and invite the chiefs and Deputation from the arkansaw cherokees to attend, and erange with them in friendship, the whole business that they were called on to settle, all which was promised to be done by mr Hicks and wilson.³ Two days afterwards we were informed by some of the chiefs, that this had not been done, that they had never heard it. The Deputation from arkansaw told us they had never been invited to any of their councils. From information recd. from private sources that could be relied on, and which we had a right to believe induced us to think that the committee under the management of Colo. Morgan intending to conceal from the nation our adress as much as possible and to afford them no explanation thereof, but construing it to them in terms that it did not, nor was not intended to convay thereby to sour the minds of the ignorant, inflame the nation by false impressions, and to induce them to break up in confusion without doing any thing as they had done before,

³ Jackson and his colleagues do not mention a full statement, signed by sixty-seven Cherokee chieftains, dated July 2, 1817, in which the side of the eastern Cherokees is fully set forth. It is essential to a fair understanding of the whole matter. See *Am. St. Papers, Ind. Aff.*, II. 142.

We had taken strong ground, we clearly saw that this alone could effect any thing, and we were now determined to counteract if Possible, this base design, in covert secure Justice to the Arkansaw cherokees, who had went to that country firmly relying on the Justice and on the promise of mr Jefferson then P. made on the 9th of January 1809, and if Possible lay the ground work of the happiness of both parties and the perpetuation of the cherokees nation by colonising them on the arkansaw, and here we beg leave to refer you to the answer of the Deputation from the arkansaw to our adress here with forwarded. We wrote a letter to mr Hicks to inform us whether he had read and explained our adress as he had promised and if he had, how, when and where, and whether the Deputation from the

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arkansaw cherokees had been invited to their council as proposed etc to which letter we beg leave to refer you⁴ —to this letter we recd no answer from mr Hicks—the next day we received the impertinant letter from the committee herewith forwarded marked A to which we refer⁵ —on the receipt of this insolant answer we immediately summoned all the chiefs and warriors to meet us the next day in council at 9 oclock, we expected if we could get a full council present, we could unfold this wicked attempt at deception that would make it recoil on the head of the committee and its advisers.

4 This letter, July 2, 1817, is as follows:

“ *Sir* You will please communicate to the chiefs and Warriors of this Nation, that the Delegation from the Arkansas have made known to us that they have never been invited to your council, as was promised the other day. It has also been stated that our address to the nation has not been read and explained to them; copies of which were given you and your interpreter for that purpose: this was requested by us to the end that each individual might hear and fully understand the object of the present meeting. We are charged by our Father, the President to speak to the hearing and understanding of the whole nation; and if our talk has not been read and explained by you and your interpreters, we wish to be informed, that we may reassemble the nation, and have it read again, and again, until we are satisfied that it is well understood by them; for we are charged by our Father the President, to do nothing in secret, nothing, without first making it understood by all.

“The Arkansas Chiefs and Delegation do expect to be invited to your council, before you meet to give us your answer: this is the way Brothers ought to act—this is what will lead to a continuation of that friendship which aught to exist between the two parts of the Nation. We expect you to let us know as soon as convenient, how, when, and in what way our address has been explained to your people, to the end that we may know how to act. We are etc.”

5 This letter, July 3, 1817, is as follows:

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“ *Gentlemen*,” Your letter of last evening addressed to Mr. Chas. Hicks was received by the committee who are the duly authorized body to receive communications of a public nature: That it is inconsistent with the dignity of the nation to meet in council or hold conferences with a character at once uniting all the base qualities of the human heart. Mr. Chisholms General character is too generally known to admit of vindication: independent of this he is a white man who we conceive has no right to make regulations relative to the internal [sic.] police of our nation. We do not hesitate to meet the bona fide chiefs from Arkansas and talk with them relative to the situation of both parties: We ask only justice, and this we have a right to demand.

“As it respects the promulgation of your talk, it is universally understood, there is not an Indian present but what perfectly understands it, even the women have become hysterical and the nation in general begin to have forebodings of distress which must await them provided the term contained in it is forced upon us.

“Gentlemen, We have no wish to withhold from the nation the purport of your intentions, in fact should it not it is our anxious wish to have it done; it is of too much importance to be thought of slightly and when a whole nation is interested it ought to be universally known. We have again to repeat that we anxiously wish a conference with the Arkansas duly elected chiefs. By order of the committee, With great consideration of respect we are Gentlemen”

The council met us on the 4th. our expectations were realised, we opened the conference with a short but energetic talk. we then read over our first adress and expained it section by section and on the points pretended not to be understood we gave them written explanations, the murmurs of approbation began to be heard. Just as we were closing, the sec of the committee mr wilson, handed in their answer which is herewith forwarded marked C to which we refer containing seventy two signatures—we took it up, informed the chiefs and warriors that it had been handed us by the committee as the full answer of this nation to our adress, we called upon them to hear and understand it as it was read,

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that it gave their father the P. the lye, it gave us the lye, and we wanted to know how many of the chiefs was prepared to do this, to listen well, as we intended taking the voice of every chief one by one—we read it—we had heard they had turned Tuchelee out of the council, broke him as chief, still, from threats, and chicanery they had obtained his signature, we had confidence in his integrity, we called on him first, to give his answer, he said he did not know what it contained when he signed it he would not give the President the lye, or us. When he went on in 1808 he had full power from his nation to do what he did, he went on to ask his father the President for an exchange of and, on the arkansaw for his land here, the answer read was not his answer he wished the arkansaws Justice and every one to have a free choice to go or stay—

the next we called was the old Glass, he said he did not know when he signed what it was when he signed it, what was read was not his answer, he would not give his father the President the lye or us, he wished all a free choic[e] to go over the mississippi or stay as they pleased—we proceeded as you will see from the Journals to which we refer you untill we compleatly exposed this base attempt of fraud and deception, and untill it was acknowledged by all that Justice was due the cherokees on the arkansaw, and they agreed asked to reconsider the subject and invite their arkansaw brother to their councils, we then adjourned, before which we recommended to them to be friendly one with another, every one had his choice, the poor as well as the rich, the fool as well as the wiseman, to choose freely, every man should be protected in his choice, and if they did not agree, we would treat with the arkansaws, and such other chiefs of this nation who had determined to remove, and all that intended to remove to come and Enroll themselves, about one thousand souls made known their intention and many will be off before the ratification of the treaty, we have directed Colo Meiggs to furnish the Boats and supplies trusting that their situation is such that it will meet the approbation of our Goverment, when the census is taken We believe a large majority of the cherokees will be found on the arkansaw, and enrolled for that county.

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The cession of land obtained is not important, but the Principle Established leads to great importance, it gives us this country, it makes those who are prepared here for civil life happy it drives from the coverts of the mountain both the red and white thief, the moment the laws are extended over this country—the security of all is laid by this treaty, and national existence to the cherokees on the arkansaw, a security that a fair proportion of the country here will be surrender for an equal proportion on the west of the m.6 and a Just division of the annuities, which may be beneficial to the poor that has been for a long time withheld from them, by this corrupt created tyranny of thirteen who fatten on corruption.

6 Mississippi.

From what has been stated you can form a faint idea of the corruption that rules here—it flows from a few corrupt whitemen, and half breeds, who by undue means has got into the council of this nation. There are more virtue in the native indian than in these whitemen and half breed, the laws of the u states must be extended to this country, the safety of the honest here and in our neighboring states and counties require it, Those who are honest and prepared for civil life, has now the offer of citizenship on Just terms, those not prepared for civil life will go to the arkansaw, the extension of the law will make all go who are afraid of good goverment.

The annuity does no good to the poor, many have told us that they have not recd. any of it for many years we believe that it has been very unjustly applied to the payment of individual claims, due to merchants—how can the claim of one man in Justice be converted to the payment of another debt, without his consent—a law ought to be passed directing that the proportion due each man ought to be paid to each individual, without this Justice will never be done the poor, the annuity will be allways applied by this self created tyranny, that is wielded by corruption to bad and unjust purposes. after we came here we found Colo. Earl now member of congress⁷ had an old claim of several thousand dollers for goods sold individuals of the nation which he wanted to have an order of this council to be paid out of the annuity, It appeared, when these accounts were raised, the individual

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alone was trusted—not the nation, Justice forbade that the poor Indian who never had got any benefit from the goods Bot. should have his part of the annuity stoped to pay a debt for which he was not sponser—we interfered, the debt was not assumed. The goverment by special law ought to provide some security for the poor Indian in this particular

7 Elias Earle, M. C. from South Carolina 1805–1807, 1811–1815, 1817–1819.

we have obtained a cession from the nation for the reserves of Double head and others on the north Bank of the Tennessee. in the treaty of 1806—we were obliged to give the sum of [*blank*] dollers for it—we did not stipulate in the treaty the consideration to be paid—we found it would open a door to hundred applications—we have drew for the amount which we hope will be honoured and paid—we have been compelled to advance a little money to the arkansaw delegation for expences, the[y] have recd. nothing for some years their expences being asked, we thought it reasonable—we have drew for it, an account of the whole is forwarded, with the drafts with the necessary letters of advice—we hope our conduct may in all things meet the approbation of the Goverment—we are etc etc.⁸

8 What follows, from this point to the end, seems to be a note or postscript. “Dr. B” was probably Dr. James C. Bronaugh, surgeon in the United States army, who attended the treaty makers. He became a favorite with Jackson and remained close to his person until the expiration of Jackson's governorship of Florida, in 1821. He remained in Florida, where he soon fell a victim to the climate.

on the 30th of June was the day on which in council McIntosh and walker denied, and Tuchelee, confessed the talk of mr Jefferson was true. This was when we convened the chiefs and warriors in council to hear the answer of the arkansaws to our adress, and not at our first meeting. Doctor B. will rectify this, and attend to it in our letter to sec of war.